

DISCOURSE
ON
THE CHARACTER AND SERVICES
OF
JOHN HAMPDEN,
AND THE GREAT STRUGGLE FOR
POPULAR AND CONSTITUTIONAL LIBERTY
IN HIS TIME.

BY W. C. RIVES, ESQ.

DELIVERED BEFORE THE TRUSTEES, FACULTY AND STUDENTS OF
HAMPDEN SYDNEY COLLEGE, THE 12th NOVEMBER, 1845.

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CORRESPONDENCE.

HAMPDEN SYDNEY COLLEGE, 13th Nov. 1845.

DEAR SIR,

I take pleasure as the organ of the Trustees of Hampden Sydney College, in communicating to you their grateful acknowledgments for the very instructive and able Address delivered by you yesterday. That the gratification which they received in hearing it may be measurably extended to other citizens of the Commonwealth and the Union, and that the attention of the youth of our country may be drawn to its most interesting subject, they solicit a copy for publication.

I remain,

Dear sir,

Very respectfully yours,

F. N. WATKINS,
Sec. to the Trustees.

HON. MR. RIVES.

PRINCE EDWARD CO. NOV. 13th, 1845.

DEAR SIR,

I have just had the honour to receive your note of this date.

I derive much pleasure from the very kind and favourable acceptance which my attempt to do justice to a great subject, has met from those at whose instance the task was undertaken. The sense I feel of the surpassing importance (to us especially) of that portion of the annals of our British ancestors which the occasion necessarily brought under review, with the hope that what was essayed, however imperfectly executed, may yet serve to invite other minds to the contemplation and study of the noble lessons and examples in which the history

of that period so richly abounds, far more than any feeling of complacency in regard to the performance which the Trustees of the College have been pleased, through you, to honour with their approbation, impels me to yield obedience to their wishes, and to place the Address at their disposal, for whatever good end it may seem to them calculated to promote.

Begging to renew to them and yourself my most cordial and respectful salutations,

I remain,

Very truly and faithfully,

Yours,

W. C. RIVES.

F. N. WATKINS, Esq.

Secretary to the Trustees of H. S. College.

DISCOURSE.

MR. PRESIDENT AND GENTLEMEN :

The Board of Trustees, charged with the management of this ancient Institution, were pleased to do me the honour to invite me to take part with them in the proceedings of this day ; and my young friends, the Students of the College, in a very flattering manner, added the expression of their wishes to those of the corporation. So honourable a call, coming to me from so high and respected a source, and so persuasively enforced, I have not been able to resist, however unequal I feel myself to the performance of the duty which has been assigned me, in a manner to justify your selection, or worthy of the occasion.

An occasion of more interest and dignity rarely occurs in the course of human affairs. We are met to receive, publicly and solemnly, the silent yet eloquent memorials achieved by grateful art, of the person and virtues of one of the illustrious patriots of the land of our forefathers, whose name this Institution is proud to bear—the immortal champion of civil and religious freedom, John Hampden. These

memorials are now before you. The one is a medalion portrait of that great man, executed in the noble simplicity and purity of his own character, the other, a copy in marble of the monument erected to his memory by the gratitude of his countrymen on the field, in which he gloriously fell in defence of the liberties of his country and of mankind. The monument stands in Chalgrove Field, Oxfordshire, and was erected there on the 18th day of June 1843, being the two hundredth anniversary of the day of the glorious martyrdom which it commemorates. It tells its own story in a noble and eloquent inscription far more impressive than any words I can use, and I beg leave, therefore, to read so much of it as is essential to the merits of its object :

“ *Here* in this Field of Chalgrove, John Hampden, after an able and strenuous, but unsuccessful resistance, in Parliament and before the Judges of the land, to the measures of an arbitrary court, first took arms, assembling the levies of the associated counties of Buckingham and Oxford in 1642; and *here*, within a few paces of this spot, he received the wound of which he died, while fighting in defence of the ancient liberties of England, June the 18th, 1643. In the two hundredth year from that day, this stone was raised in reverence to his memory.”

It could not fail to be gratifying to every lover of liberty to read over the list of proud and lofty names, the most elevated in rank and the most dignified by station, which concurred in this warm and approving verdict of a distant posterity upon the principles and actions of one of the stanchest advocates which the

cause of popular freedom ever had. But I must content myself here with merely stating that the family of Hampden in England, learning with pride that an Institution existed in this country, bearing the name of their honoured ancestor, and dedicated to the cause of sound learning, and to the promotion of those principles of civil and religious liberty for which that ancestor had freely offered up his life, eagerly sought the occasion to present to it the interesting memorials which are now before us. So graceful an act of international courtesy, drawing together distant people by the kindly offices of mutual sympathy and recognition, deserves to be acknowledged, to be appreciated, to be imitated. It is an offering which does honour to the high character of those from whom it proceeds, and which this Institution, by many titles, is worthy to receive.

An Institution which started into existence under the fresh impulse of our own great contest for freedom—whose first session was opened on the first day of that year which ushered in the Declaration of American Independence—whose patriotic founders significantly proclaimed to the world the lofty principles with which, at that soul-stirring period, their own bosoms were animated, by assuming for their symbols the names of Hampden and of Sydney—an Institution, in short, which boasts at the head of its first Board of Trustees the name of *Patrick Henry*, a name to liberty and to eloquence ever dear, cannot be an unfit depository of those memorials of the model statesman and patriot of England, which are now committed to its keeping. These are glorious recol-

lections for *you*, gentlemen, upon whom the government of this Institution has descended—instructive and inspiring for the generous youth who are now forming themselves for virtue and usefulness, under your charge. I heartily join with you in the feelings they are so well fitted to awaken; and my earnest prayer is that the kindred spirits of Hampden and of Henry, united in immortal fellowship here, may ever continue to shed the holy influence of patriotism and of virtue, of liberty and religion, within and around these halls.

To comprehend properly the great lessons of wisdom and virtue involved in the career and example of Hampden, we must go back to the times in which he lived; and surely no period in the history of man deserves to be more profoundly studied by the free citizens of America. It carries us into the midst of the most august and eventful scenes, and into the presence of the most renowned actors that have ever appeared upon the theatre of human affairs. On the continent of Europe, as in England, it was the period signalized by the struggles of liberty against despotism, of the heroic resistance of the people against their oppressors. It was the period which witnessed the long protracted and bitter agony of a seventy years sanguinary conflict, through which the United Provinces of the Netherlands, the infant Republic of Holland, by prodigies of valour, of patriotism and of enterprise, nobly won their independence from the cruel and unrelenting despotism of Spain. A nobler struggle for freedom, richer in great deeds of civic virtue or military prowess, is not recorded in the annals of human

kind, and challenges with peculiar force the sympathy and admiration of an American bosom, from the striking parallel, if not model, it furnished in so many particulars, to our own glorious contest for independence and self-government.

At the same epoch, all Europe was convulsed by the *thirty years war* in Germany, a war waged in defence of civil and religious liberty against the tyranny and bigotry of Ferdinand of Austria, and forever consecrated to the sympathies of mankind by the romantic chivalry, the christian heroism and miraculous achievements of Gustavus Adolphus, who, when lying prostrate amid the heaps of slain which surrounded and almost covered him on the field of Lutzen, being asked who he was, replied, "I am the King of Sweden; and seal with my blood the protestant religion and liberties of Germany." And such, indeed, was the precious purchase of his blood; for his brave and devoted countrymen, animated by his example and his dying words, and led by the firm and sagacious councils of his surviving minister and friend, Oxenstiern, never relaxed in the sacred cause which was bequeathed to them, till, aided by the then rapidly culminating power of France under the bold and steady impulse of the genius of Richelieu in the cabinet, and of Turenne and the great Condé in the field, they secured its final triumph at the Peace of Westphalia.

France herself had just passed through the bloody fratricidal conflict of her civil and religious wars, of which her Montmorencys, her Colignys, and her Guises were successively and alternately the heroes and the victims. Her wounds had been temporarily

healed by the first great act of religious toleration, the Edict of Nantz, and she stood upon her feet again under the paternal sway of Henry the IVth and the wise and beneficent administration of Sully. But the still struggling aspirations of a higher and a better liberty which from time to time animated her, for the want of an enlightened and independent body of *Commons* speaking and acting through an organized representative assembly, were doomed as yet to exhaust themselves in the fitful and tumultuous efforts of the *Barricades* and the *Fronde*.

England was happier. She had, at length a *people* in the true sense of that word, with all the attributes of a moral existence, and that people had now their representative organ in an *independent* House of Commons. It is at this period, the beginning of the seventeenth century, coincident with the close of the Tudor line of Princes and the accession of the Stuarts, that a new order of things had evidently arisen among our English ancestors. The revival of letters, the art of printing, the extension of commerce resulting from the discovery of America and of the passage to India by the Cape of Good Hope, and finally the emancipation of the human mind by the Reformation, had been, most of them, in operation, and silently and gradually producing their benign effects, for more than a century. Their matured fruits were now visible in England, in nothing more than in the marked improvement and elevation of the condition of the *mass* of the nation. The simultaneous increase and diffusion among all classes of society, of *property* and *knowledge*, the two great elements of power in

every civilized community, raised the *people* to the level of their new destinies. Nothing more strikingly illustrates the new-born thirst for knowledge, as well as spirit of national improvement which had taken possession, at this time, of the great body of the people in England, than the fact stated by Dr. Johnson in his introduction to the Harleian Miscellany. "The Treatises on Husbandry and Agriculture," he says, "which were published during the reign of James the First, were so numerous that it can scarcely be imagined by whom they were written or to whom they were sold."*

A similar illustration of the general acquisition and increase of *property*, which had taken place in the mass of the nation, is furnished in the fact mentioned by Historians, that, when the Parliament which passed the memorable Petition of Right assembled in 1628, the aggregate property of the members of the House of Commons was computed to surpass three times that of the House of Peers. A people, thus possessed of intelligence and of independent livelihoods derived from their own industry, could not but feel and assert their rights. A new power, unknown to the former struggles for English liberty, had arisen in the State. To haughty and steel-clad Barons leading bands of submissive vassals to wrest from their sovereign, by the sword, the precarious boon of extorted, and yet partial *concessions*, or the mockery of feeble and ser-

* Dugald Stewart, remarking on this fact, observes, that "at all times and in every country, the extensive sale of books on agriculture may be regarded as one of the most pleasing symptoms of mental cultivation in the great body of the people." See his Dissertation on the progress of Philosophy since the Revival of Letters in Europe.

vile parliaments more fitted to be the tools of tyranny than the guardians of freedom, had succeeded the majestic spectacle of a *people* prepared to vindicate and maintain their inherent liberties in their own right, by the safe and salutary agency of their freely chosen representatives in a virtuous and independent House of Commons. Westminster and St. Stephen's had taken the place of Runnymede, not in form only but in spirit and in truth, and the people were henceforward to battle for their liberties in a free Parliament inspired by the new genius and wants of the age, and unawed and unseduced by power.

Such was the sublime mission of the Commons of England at the commencement of the seventeenth century. They had to re-construct the edifice of public liberty from its foundations; for however glorious and animating, as historical recollections, were the Great Charter of King John, or the subsequent confirmations and extensions of that charter in the time of the earlier Henrys and Edwards, yet as muniments of British freedom, they had long ceased to be heeded or regarded in the practical administration of the government. The Crown claimed and exercised the power of dispensing with the laws of the land at its own will—of putting its arbitrary proclamations in the place and upon the footing of legislative enactments—of levying taxes upon the people without their consent—of imprisoning obnoxious individuals, even such as were protected by privilege of parliament, at pleasure—and finally of interposing between man and his maker, and prescribing to every one, under the pains and penalties of temporal power, the

form in which he should render his worship to God. Surely a government in which such vast and fearful powers were exercised by a single will over the lives, liberties, properties and consciences of men, could have no sound claim to be considered a system of freedom. And yet these powers had been practically exercised by the Kings of England for more than a century, at the time of which we are speaking. However differing, therefore, with Hume upon other questions connected with the history of these eventful times, I cannot but feel there is much foundation for the strong remark made by him in the Memoir of his own life, where he says, "it is ridiculous to consider the English constitution, as it existed at this period, a regular plan of liberty."

It was the task of the noble race of patriots and statesmen who now appeared upon the stage to restore this boasted constitution to its primitive freedom—to realise the picture which had been drawn of it by its earlier oracles and expounders—to wipe out the abusive precedents which had marred and defaced it—and to provide new and lasting securities to protect it from similar inroads in future. Never was a set of men better qualified and furnished for their task. Among them, besides Hampden, who became so prominent in the later stages of the contest, were the great names of Coke, Selden, Sandys, Eliot, Pym, Seymour, Philips, St. John and Vane. These were all men profoundly versed in the history and laws of their own country, initiated from early youth in the study of the literature and political institutions of the free states of antiquity, with whose spirit they were

largely imbued, and coming into active life at a time when the gravest questions, which can affect the feelings and interests of man in society, had arisen for decision, they had trained themselves to the duties of the highest practical statesmanship. They well merit the eulogy pronounced upon them by a celebrated English Divine, Bishop Warburton, who after referring to the period of which we are speaking as that at which "the spirit of liberty was at its height in England," adds, "and its interests were conducted and supported by a set of the greatest geniuses for government that the world ever saw embarked together in one common cause."

Such a period in the history of the Land of our Fore-fathers, from which we have derived the model and the spirit of so many of our free institutions, must, on every account, attract the earnest attention of Americans. But it is commended to our special sympathy and regard from the fact that, it was precisely at this epoch, that our own country was settled from England. From this time, the histories of England and of America become tied and dove-tailed into one another, and so continued for near two centuries. Then began that series of action and reaction between the old and new world which may be considered as the great connecting link of modern civilization, and which has exerted and will continue to exert so important an influence upon the destinies of the human race. Our ancestors, the first emigrants to America, left their native shores at a period when, as we have just seen, the *spirit of liberty there was at its height*. That spirit has been cherished by their

descendants here with a faithful and steady devotion, and the sacred flame, kept alive by the recollections of the past as well as the hopes of the future, will yet, we may trust, light the world to freedom through the paths of peace.

Virginians especially must ever warmly remember that it was to the zealous patronage and spirited protection of the band of patriots, who were at this time struggling for the ancient liberties of England, that the early colonists of our own state were indebted for the vindication and establishment of their franchises. It was mainly through the generous exertions of one among that noble band, whose name I have already mentioned, Sir Edwin Sandys, (who was for a time Treasurer to the Virginia company in England, and always the gallant and faithful friend of the colony,) that it was rescued from the brutal tyranny of Argall and placed under the safeguard of a representative assembly of its own choice. The questions of liberty, in the affairs of the colony and in the administration of the government in England, indeed, became so intimately blended that the meetings of the Virginia Company, numbering among its members some of the most distinguished public men of the day, became a forum in which the political principles of the two adverse parties were freely and openly debated; and the Spanish minister, Gondomar, advised King James to annul the charter of the company, because its meetings were, as he said, "but a seminary to a seditious parliament."

No sooner had James the First succeeded to the Crown of England, than it became apparent that a

great and deadly struggle between the claims of royal prerogative on the one hand and the new-born and sturdy spirit of popular independence on the other, was imminent and inevitable. In the Proclamation he issued on ascending the throne, he announced his favourite dogmas of the divine and indefeasible right of Kings, and the duty of subjects to render absolute and implicit obedience, in terms the most unmitigated and revolting. Incidents occurred on his journey from Edinburgh to London, in the very *honey-moon* of his English Royalty, which sufficiently evinced that these extravagant pretensions were not the mere idle and absurd pedantry of his boasted King-craft, as too many historians have been wont to represent them. A poor wretch who had been detected in some petit larceny, he ordered to be hanged without any form of trial—ten of the Reverend Clergy who presented to him the Millenary Petition, so called from the thousand ministers who were said to have signed it, were committed to prison by his command for a modest and respectful exercise of the humblest right of the subject—and the crowds of persons of every rank, who were drawn together by loyalty and curiosity, to greet the arrival of their new sovereign, were rudely repelled and dispersed by a Proclamation forbidding “this resort of people.” This *début* of the King, it must be admitted, was a most unpromising, as well as ungracious, beginning of a new reign.

It was not long, however, before his innate hostility to the liberties of the people was demonstrated by acts of a more dangerous and wide reaching character. A Parliament was to be assembled. In the proclama-

tion of the King summoning this assembly, he authoritatively prescribed to the people the sort of persons they should choose for their Representatives, and declared that if any person should presume to take upon him the place of Knight, Citizen or Burgess, contrary to the purport and effect of that proclamation, every such person should be fined and imprisoned for his offence. This bold interference with the freedom of elections, the most delicate as well as fundamental privilege of the nation, was followed in a few days by a daring attack upon the vital principle of Parliament as an independent representative body. One of the King's privy counsellors had been a candidate for the county of Buckingham, which, nevertheless, preferred and returned for its representative Sir Francis Goodwin, a person of more congenial popular sympathies and principles. The Lord Chancellor, the King's chief officer and *keeper of his conscience*, disregarding the inherent right of every Representative Body to be the sole judge of the returns and qualifications of its members, undertook to vacate the election of Sir Francis Goodwin, as being contrary to the late Proclamation of the King, and issued a writ for a new election, upon which the court candidate was returned. Immediately after the meeting of Parliament, this matter was brought up for the consideration of the House of Commons, who, after a debate characterised by high resolve and that noble spirit of liberty which then prevailed, reversed the proceedings of the chancellor as an infringement upon the fundamental privileges and rights of the Commons, and

determined that Sir Francis Goodwin was lawfully entitled to his seat.

A long and vehement controversy ensued with the King, in the course of which he ordered the Commons to hold a conference with the Judges, which he said he *commanded as an absolute King*, and plainly told them that all their *privileges were derived from his grant*, and consequently, as he would have them to understand, revocable at his pleasure. The contest was conducted with great judgment and temper, as well as decision on the part of the Commons, and ended by placing their exclusive right to judge of the elections and returns of their members on a ground, where it has never since been questioned or assailed. It is not a little remarkable that it was in the person of a Representative of Buckinghamshire that was committed the first of that long series of violations of the public liberty which so fatally distinguished the rule of the two first Stuarts, and which it was reserved for another representative of the same great county at a later period—for the virtues and talents of Hampden—to redress in their increasing and cumulative enormity.

In tracing the progress of this great contest for liberty in the land of our ancestors, we come now to that vital struggle, in regard to the constitutional power of taxation, which gave birth alike to American and to British freedom. The people of England claimed it as a part of their ancient liberties not to be subject to any taxes or impositions upon their lands, goods or merchandise, save only by common consent

in Parliament. King James, unwilling to rely upon Parliament for supplies, which, in the now awakened jealousy of public liberty, were to be purchased only by the redress of grievances, resorted to various irregular expedients for the purpose of filling his Exchequer; and at length under colour of a decision obtained from servile and dependent Judges, he caused to be published of his own authority a Book of Rates imposing new and heavy duties upon all merchandise brought into the kingdom. As soon as Parliament was again assembled, the Commons entered upon an earnest examination of this alarming assumption of the power of taxation by the King, and after an elaborate and protracted debate, in which the learning and ability exhibited by some of the popular members were equalled only by the firm and undaunted spirit of patriotism displayed by them all, a bill was brought in to abolish the illegal impositions. The King, in an arrogant tone of despotic authority, commanded the Commons not to proceed with a question which touched his prerogative. The Commons, in a noble Remonstrance, vindicated their right freely to discuss all matters which concerned the interests of the nation; and pronouncing the prerogative of imposition, claimed by the King, to be one which "extended to the utter ruin of the ancient liberty of the kingdom and of the subjects' right of property in their lands and goods," proceeded, in despite of the royal prohibition, to pass the bill which had been brought in for the abolition of the new imposts. The Lords, as was to be anticipated, withheld their concurrence in this vigorous measure; and James, deeply offended at

the patriotic firmness of the Commons, and rebuking them for their seditious and even blasphemous presumption in disputing, to use his own language, "what a King may do in the height of his power," indignantly dissolved a Parliament which had opposed so steady and valiant a resistance to his encroachments.

Four years now elapsed before another Parliament was convened. In this interval, the spirit of liberty which animated the nation instead of suffering any abatement, had, if possible, acquired greater strength. The new Parliament instantly resumed the subject of the King's illegal impositions, in spite of every artifice employed to obtain from them first, additional supplies to meet the growing profusion of the court. Nothing marks more strikingly the rapid advance of the nation in intelligence and freedom than the fact that the Commons now passed an *unanimous* vote against the right of imposition claimed by the King, and proceeded immediately to demand a conference with the House of Lords, which, in the last Parliament, had refused their concurrence in establishing this great principle of English liberty. The King, incensed and alarmed at the increasing energy of the Commons, precipitately dissolved the Parliament, before they had passed a single bill, and superadded the outrage of imprisoning several of the members, who had incurred his displeasure by the freedom and boldness of their debates.

An interval of more than six years now occurred before the assembling of another Parliament. During this period, events of the most important character had taken place on the continent of Europe, which

strongly appealed to the sympathies, and deeply enlisted the feelings and sentiments of the English nation. The thirty years war had broken out in Germany, provoked by the persecutions and oppressions of the Emperor Ferdinand directed against the Protestant States of the Empire. Among those states, driven to raise the standard of a brave and bloody resistance, was Bohemia, which had conferred her sovereignty on Frederic, the Elector Palatine, who was married to the daughter of King James. Frederic was soon overwhelmed by the immense power of the House of Austria, and he was not only forced to flee from his new kingdom, but his hereditary dominion, the Palatinate, was overrun in every direction by the Spanish forces under Spinola. The progress of the combined arms of Spain and the Emperor was everywhere signalized by cruelties and rigors of the most revolting character exercised against the professors of the Reformed religion. The people of England, now cherishing the blessings of civil and religious liberty above all price, saw with generous and indignant sympathy the brave and unequal struggle of their protestant brethren on the continent. The principles of national honour and of national interest, as they conceived, alike required of them the vigorous support of the Palatine and his allies against their haughty and powerful oppressors.

James had embraced far different councils. His repugnance to appear, under any circumstances, to patronise the revolt of subjects against their sovereign, steeled his breast to the pleadings of nature for his son-in-law. His grand scheme of State policy was

to cultivate, above all other connexions, the alliance and friendship of Spain—a policy to which he had but a short time before basely sacrificed the life of Raleigh—and his heart was now wholly intent on cementing this alliance by the marriage of Prince Charles to a daughter of the Spanish King.

In this state of things, the third Parliament of King James was assembled. Its first session was rendered forever memorable by the impeachment and disgrace of the greatest genius of that age, if not of all time, who had tarnished the high office of Lord Chancellor which he then held, and his own still higher name, by yielding to the prevailing official corruption of the times, and receiving bribes from suitors in his court. In the melancholy record of the frailties of human nature, the fall of Bacon is the example most fitted of all others to impress a lesson of deep humility. Here was a character ennobled by the highest wisdom, the profoundest learning, the brightest parts, the most persuasive eloquence, and yet not proof against temptation of the lowest and most sordid kind. The contrite and humbled spirit with which he confessed his guilt before the House of Lords, “beseeching their Lordships to be merciful to a broken reed,” and the affecting allusion to his weakness in one of the greatest of his works, where he says that born for science, he knows not by what evil destiny he could have been cast upon the stormy pursuits of public life, for which he was unfit,* disarm the judgment of

* “Ad literas potius quam ad aliud quicquam natus, et ad res gerendas nescio quo fato contra genium suum abreptus.”

De augmentis Scientiarum Lib. VIII. c. 3.

posterity of any sterner feeling than one of commiseration, heightened by a painful sense of human infirmity in beholding so signal a defection from integrity and honour in one of such eminent gifts and unrivalled powers. Let him who in a vain reliance on his own strength, "thinketh he standeth, take heed lest he fall."

After this painful episode of the impeachment and conviction of Lord Bacon, the Commons entered upon the subject which, at that time, most deeply excited the feelings of the whole nation. While the victorious legions of Spain and the Emperor were advancing from conquest to conquest in Germany, and threatened the Protestant States, as well as the Palatinate, with total subjugation, the Representatives of the nation could not but see with the deepest concern the inactivity and timid neutrality of the King, and his bigotted attachment to the Spanish interest. Under the influence of these feelings, they framed a Remonstrance to be presented to the King, in which, after representing the danger to the liberties of Europe from the enormous growth of the Austrian power, and the tone of confidence and encouragement which had been assumed by the papists in England from witnessing the prostration of the Protestant States of Germany and the prospect of a closer alliance with Spain by the projected marriage of Prince Charles to the Infanta, they entreated His Majesty to undertake the defence of the Palatine, to direct his efforts against Spain, whose armies and treasures were the chief support of the Catholic Interest in Europe, and to enter into no negotiation for the marriage of his son but with a protestant princess.

As soon as the King heard of the intended Remonstrance, he was filled with indignation at what he considered a daring invasion of his prerogative, peremptorily forbade the House to interfere with mysteries of State too deep for their comprehension, and threatened with chastisement the insolence of any member who should disregard his mandate. This led to an animated defence by the Commons of their right to treat, and express their opinions on, all matters of government in which the interests of the Kingdom were concerned, and to entire freedom of speech, and immunity from all external responsibility and control in their debates in Parliament. The controversy was kept up with increasing heats on both sides till the Commons entered upon their Journal a solemn *protestation*, called by Selden the second Magna Carta, in which, after setting forth the constitutional powers and privileges of Parliament to discuss and consider all matters touching the interests of the realm, and in doing so to enjoy freedom of speech and exemption from all impeachment or molestation elsewhere, they declare these privileges and franchises to be the "ancient and undoubted birthright and inheritance" of the people of England. The King sent for the Journals of the House, and, with his own hand, tore out the protestation. The Parliament was dissolved immediately after, and the dissolution followed up by the imprisonment of Sir Edward Coke, Sir Robert Phillips, Selden, Pym, and other prominent members whom the King singled out as the victims of his threatened vengeance. Sir Edwin Sandys had previously fallen under the displeasure of the King and was already committed to prison.

Amid these exciting scenes, so critical and important in the annals of British freedom, John Hampden made his first appearance upon the stage of public life. He was a member of this memorable Parliament, and though at that time a young man of twenty-seven years only, he was admitted to an intimate share in the councils of the veteran statesmen, who then conducted the great parliamentary contest for the liberties of the nation. No man could have been better suited to the crisis in which he was destined to act so momentous a part, or have possessed higher qualifications for the advanced post of danger and responsibility which he was soon to occupy. Of an ancient and most influential family, holding large landed estates in Buckinghamshire, he received the advantages of a finished education in the University of Oxford, and afterwards pursued the study of the law at the Inner Temple, though he never followed it as a profession. Marrying at the age of twenty-five, he retired to his paternal estate in Buckingham, where he engaged with spirit and zeal in the independent pursuits of a country-gentleman, never losing sight, however, of the liberal studies for which he had contracted an early taste, and which now, with domestic sympathies, formed the ornament and the charm of his retirement, while they trained him for a wider sphere of usefulness, when his country should demand his services.

A better type of the enlightened and independent Commons of England could not be seen than John Hampden now presented. With a mind enlarged and

liberalized by study and observation, he could not but partake of the free spirit which characterised the age ; and having seen one of the most vital franchises of the people wantonly violated in the person of a Representative of his own county, he naturally entered upon public life with a jealousy of power quickened by a nearer view of its abuses. The operation of this feeling, however, never disturbed the balance of his well-poised character. He was calm, self-collected and prudent, at the same time that he was sagacious, resolute, persevering and courageous. His character has been drawn, with great minuteness of detail, by two of his most distinguished contemporaries, of the party opposed to him ; and in following them, there can be but little danger of exhibiting too flattering a portrait. He is described by both of these authorities as a man of the highest order of wisdom and abilities, set off by an affability of manners and modesty of deportment which enabled him to win the hearts, while he convinced the understandings, of his hearers and associates. Lord Clarendon says, “ he was, indeed, a very wise man and of great parts, and possessed with the most absolute spirit of popularity, that is, the most absolute faculties to govern the people, of any man I ever saw.” Sir Philip Warwick, who like Clarendon, was a member of Parliament at the same time with Hampden, and like Clarendon also strongly opposed to Hampden’s political principles and views, says of him, speaking more particularly in reference to the period of the Long Parliament, “ He was certainly a person of the greatest abilities of any of his party, and

had a great knowledge both in scholarship and the law."

Lord Clarendon has furnished the clue to the extraordinary "spirit of popularity" he ascribes to Hampden, in a trait of his character which deserves to be specially remembered. Besides that "flowing courtesy to all men" which he describes as the distinguishing and graceful attribute of his manners, he says, "He was a supreme governor over all his passions and affections, and had thereby a great power over other men's." He farther describes him as possessed "of an industry and vigilance not to be tired out or wearied by the most laborious; of parts not to be imposed upon by the most subtle or sharp; and of a personal courage equal to his best parts."

We are naturally curious to learn what were the qualities as a speaker of one who acquired such absolute influence and ascendancy in the parliamentary assemblies of his country—the great arena of intellectual digladiation and public debate. And here again we see him painted to the life by one or two vivid touches of the pencil from the same contemporary limners. "He was not a man of many words," says Clarendon, "but a very weighty speaker." Sir Philip Warwick writes, "He was of a *concise and significant* language, and the mildest yet subtillest speaker of any man in the House." The Bacons, the Cokes, the Seldens, the Hampdens of that age did not, more than the Franklins, the Washingtons, the Jeffersons, the Adamses of our own great Revolutionary æra, consider "vain repetitions" and "much speaking" the

essentials of parliamentary eloquence or political wisdom.*

We shall see all these rare and extraordinary qualities, which combined to form the character of Hampden, strikingly exemplified in the high career of patriotism and virtue he was about to run through twenty years of the most troubled and trying scenes of his country's history.

Another Parliament intervened, and the ignominious and arbitrary reign of James the First was closed by the death of that unhappy Prince. His character and conduct as a sovereign have been far too leniently dealt with by the larger number of the Historians of that period. The ridicule and contempt he incurred as a pedant and a buffoon seem to have redeemed him from the sterner condemnation due to him as a tyrant and a profligate. It was the lofty pretensions of monarchical power so pompously asserted by him, his frequent and offensive denial, as well as invasion, of the inherent privileges of the People and their Representatives, and the shameless profligacy and corruption of both principle and morals he encouraged in his court

* The celebrated Ben Johnson has described Lord Bacon's style of speaking in terms so graphic and striking and conveying such a picture of graceful and effective eloquence, that the introduction of the passage here will be readily excused. "There happened," says he, "in my time one noble speaker, who was full of gravity in his speaking. No man ever spoke more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered. No member of his speech but consisted of its own graces. His hearers could not cough or look aside from him without loss. He commanded where he spoke, and had his judges angry and pleased at his devotion. The fear of every man that heard him was that he should make an end."

and dependants, which opened the source of all those bitter waters that, for so long and dismal a period, overrun and desolated the country.

His son, who now succeeded him, inherited all the father's absurd and antiquated notions of the divine right and absolute authority of Kings. With a personal character of infinitely more respectability, he was imbued with the same fatal maxims of government—instilled into him by the assiduous indoctrination as well as example of his father—and what was, perhaps, a still greater misfortune, he inherited with the public principles and policy of his father, his father's odious favourite and minister, the vain, the light, the reckless, the imperious Buckingham. Circumstances like these were but little favourable to mutual confidence and cordiality between the new King and his Parliament. Charles was exceedingly dissatisfied with the scanty supplies granted him by the Parliament, which he called together immediately on his accession; and the Parliament, on the other hand, warned by the encroachments of the late reign, and seeing the same pernicious influence and doctrines predominant in the councils of the new King, determined to grant no farther supplies till they had obtained some substantial guarantee for the public liberty. In this state of mutual disgust and alienation, the King dissolved his first Parliament.

Another was assembled in the following year, and the King renewed, with increased urgency, his demand for larger supplies. The Commons, adopting a preliminary vote in favour of a more liberal supply, reserved the passing of that vote into a law till the

end of the session, and proceeded, in the mean time, to an examination of public grievances, and, in the course of the session, framed regular articles of impeachment against the Duke of Buckingham. The King, by the Lord Keeper, expressly commanded the Commons not to meddle with his Minister and Servant, and as if to exhibit his contempt for the House, he caused Buckingham, by an open exertion of the interest of the Court, to be chosen Chancellor of the University of Cambridge while lying under an actual impeachment of the Commons. At the same time and by the same message, the House was ordered to finish, without delay, the Bill which they had begun for the subsidies and to make a farther addition to them ; and they were told that, if they did not do so, they must not expect to sit any longer. and that the King would henceforward resort to *new counsels*, or, in other words, raise supplies from the people by his own authority, without the consent of Parliament. To fill the measure of insult and provocation offered to the Commons, the King threw into prison two of the leading members of the House, Sir John Eliot and Sir Dudley Digges, who had acted as managers of the Impeachment against the Duke of Buckingham.

The excitements, occasioned by these wanton and lawless acts of the King, now ran so high, and threatened to recoil with such accumulated weight on Buckingham, whom it was the object of the King to protect at all hazards, that he determined instantly to dissolve the Parliament without giving them time to finish any measure they had begun ; and when the House of Lords interceded and petitioned him to allow the Par-

liament to sit some time longer, he exclaimed with violence *not a moment longer*. From that ill-fated moment, Charles commenced a systematic warfare upon the liberties of the nation. He proceeded immediately to carry into execution those threatened *new counsels*, by which he was to raise money from the people, without the instrumentality of Parliament. He obtained pecuniary compositions from the Catholics by arbitrarily *dispensing* with the laws of the land which imposed restraints upon the public exercise of their religion—he exacted money from individuals under the fraudulent name of loans and benevolences—he billeted soldiers upon the people; but finding that these methods of detail brought in money too slowly for his necessities, he determined at last upon the sweeping scheme of a general forced loan, under which every person was required to pay the same amount he would have been assessed with, if the bill of subsidies brought in during the late session of Parliament had passed into a law; and this arbitrary attempt to tax the goods and property of the people, by the mere authority of the King, was to be enforced by asserting his absolute power over their personal liberty.

Those who refused to pay their proportions of the exaction under this Royal Edict were immediately committed to prison by the Orders of the King. Among the noble spirits who resolved to withstand this double attack upon the personal liberty and the property of the people, Hampden stood in the front rank, as he was ever wont to do, when the fundamental privileges of the nation required a calm and vali-

ant defender. Being asked why, out of his abundant means, he would not contribute to the necessities of the King, he made this memorable reply, which so admirably records his sacred devotion to the constitutional freedom of his country—"That he could be content to lend as well as others, but he feared to draw upon himself that curse in Magna Carta which should be read twice a year against those who infringe it"—referring doubtless, in this allusion, to a law passed in the time of Edward the First for the confirmation of the Great Charter,* which directed that it should be publicly read in all the Churches twice a year, and that the Archbishops and Bishops, at each reading, should denounce sentences of excommunication against all who should violate its provisions. For this patriotic and manly resistance he was committed to a rigorous imprisonment in the Gate-House; and being subsequently brought before the Privy Council and persisting in his refusal, he was remanded into custody.

The infatuated tyranny of Charles on this occasion gave rise to another memorable instance of resistance, so intimately connected with the history of English liberty, that it is impossible to pass it by without a momentary notice. Five gentlemen, who had been imprisoned for refusing to pay the contributions assessed upon them under the Royal Loan—and their names deserve to be remembered by posterity, Sir Thomas Darnell, Sir John Corbet, Sir Walter Earl, Sir John Heveningham and Sir Edmund Hampden—resolved to try before the courts of the country, at

* See Stat. 25 Edw. I. commonly called *Confirmatio Chartarum*.

their own hazard and expense, the legality of the power of arbitrary imprisonment now claimed and exercised by the King. They sued out a *Habeas Corpus* from the Court of King's Bench, upon the return of which it appeared that their imprisonment was simply by the *command of the King*, without the specification of any charge whatever against them. If a power like this could be upheld in England, then it were worse than idle to talk of the immunities of English freemen. Englishmen were no longer freemen, but slaves. Well, therefore, has it been said that the issue of this great cause was of more vital consequence than "the event of many battles." And yet, as might have been expected from Judges, themselves enslaved by the tenure of their offices at the pleasure of the tyrant, this monstrous tyranny was virtually sustained by the decision of the Court, and the illustrious victims of arbitrary power returned to their prisons.

But a spirit of liberty was now abroad, in the hearts of the people, too strong to be broken by the King or his Courts. The payment of the Loan was still refused, in almost every portion of the Kingdom, and many of the leading men of the country, distinguished by their rank, property and talents, freely encountered the gloom and rigors of a prison rather than incur the curse, which Hampden dreaded, of being accessory, by a tame submission, to the violation of the Great Charter of the public liberties. Charles, finding at last but a scanty return to his coffers from all the illegal resources of his *new counsels*, was compelled,

however reluctantly, again to try the old and lawful way of parliamentary supply.

He convened, therefore, his third Parliament. Never before had the representatives of the English people been assembled under circumstances of deeper injury and excitement—never did they exhibit more calmness, self-possession, energy and wisdom. The serene, determined, and self-balanced spirit of Hampden, who was now associated with Coke, Selden, Pym, St. John, on all the great Committees of the House, though he rarely took part in the public debates, was evidently impressed upon the movement and action of the whole body. The first great object of these patriot statesmen was to entrench the public liberty, which had been lately assailed in so many vital points by the arbitrary conduct of the King, behind some new and solid rampart, resting upon the united sanction of all the estates of the realm in a solemn legislative compact. With this view the great *Petition of Right*, containing a formal and explicit re-enactment of all the fundamental principles of English liberty, was directed to be drawn up by Sir Edward Coke and Mr. Selden ; and by a masterly display of talents, wisdom, courage, perseverance and statesmanship it was carried in triumph over the multiplied obstructions and evasions which beset its progress at every step, and became the declared law of the land by the recorded legislative assent of King, Lords and Commons.

Having achieved this great work, which, if any thing could, seemed to promise some security in future to the liberties of the nation, the Commons made a liberal grant of supplies to the King, and then re-

sumed their enquiries into the abuses of the Government. In the course of these investigations, they renewed their censures and complaints of Buckingham, and animadverted upon the levying of *tonnage and poundage*, without consent of Parliament, as a violation of the ancient liberties of the people, and manifestly contrary to the solemn provisions of the Petition of Right, to which the King had so lately plighted his faith. Charles, offended at these proceedings, determined to arrest the farther prosecution of them, and for that purpose, abruptly prorogued the Parliament. During the recess, Buckingham had fallen by the knife of Felton; and when the Parliament re-assembled, they entered at once upon the unfinished question of *tonnage and poundage*, and insisted that the King should desist from levying these duties, until they had been formally granted by Parliament. They called before them the officers of the customs who had been employed in the collection of the duties, and demanded of them by what authority they had seized the goods of merchants, and one of them a member of that House, who had refused to pay these illegal imposts.* Charles supported his officers, and from day to day, the controversy became more and more embittered.

*No class of men were more distinguished for their gallant and patriotic sacrifices and exertions in defence of the public liberty at this period, than the *merchants*. The names of Chambers, Rolls and Vassall will go down to the remotest posterity in honourable association with the bravest patriots of the times. The last named of these, Samuel Vassall, one of the merchants whose goods were seized on the occasion referred to in the text, and his person imprisoned for his indomitable resistance to the unconstitutional levying of *tonnage and poundage*, was one of the original proprietors of the lands of this country; and a beau-

In this state of things, Sir John Eliot presented to the House a remonstrance he had drawn against the levying of these duties, without consent of Parliament. The speaker refused to put the question upon the Remonstrance; and pleading that he had received the commands of the King not to put the question, but to adjourn the House, he immediately left the chair. A scene of extraordinary excitement and confusion ensued, in which the speaker was forced back to the chair and detained there by two of the members, while the Remonstrance was read and passed by acclamation. The Usher of the Black Rod, who had been sent by the King, then entered the House, and removed the mace from the table, which put an end to their proceedings. These events were followed by a speedy dissolution of the Parliament, and by the arbitrary and vindictive punishment of several leading members of the House of Commons, who, by a shameless prostitution of judicial proceedings commanded by the King and in utter contempt of the privileges of

tiful monument to his memory stands in a church in Boston, (Massachusetts,) still known by its ancient ante-revolutionary name of King's Chapel. The monument was caused to be erected there in the year 1766, (the year succeeding the imposition of the stamp tax on the American colonies) by his great-grandson, Florentius Vassall, then residing in England, but whose heart, we may suppose from the reverence he manifested for the free principles of his ancestor, as well as from the region he selected for this enduring exhibition of his filial piety, was with the colonies, in their determined resistance to unconstitutional taxation. It is a curious and not *unmeaning* coincidence, it is to be hoped, that Virginia and Massachusetts, the two leading states in the contest for American independence, should now be the chosen depositories of the monuments of two of the noblest and most gallant champions of British freedom, to whose high example, and the principles so bravely asserted by them, the liberties of America owe their origin and establishment.

Parliament were fined and imprisoned—some of them held in durance for long periods of time, and one of them, Sir John Eliot, the bosom friend of Hampden and the eloquent and dauntless apostle of British freedom, dying in prison, a martyr to his principles, and the victim of the long and rigorous confinement to which he was subjected.

The King now resolved to govern without the incumbrance of Parliaments and to assume all authority into his own hands. To supply the place of Buckingham, he took into his councils and confidence two men of the loftiest ambition and of the sternest and most unrelenting tempers—Laud and Strafford. Under their guidance and by their assistance, he organized a system of proscriptive tyranny and persecution to break down the spirit of liberty in the nation by appliances the most frightful and the most revolting. The pillory, loss of ears, ruinous fines, and imprisonments for life, became familiar remedies, administered by the atrocious barbarity of the Star Chamber, and applied, with unsparing severity, to every rank and condition in society—the highest as well as the lowest. All the arbitrary and illegal methods of levying money from the people, which had been so loudly complained of by the nation and lately renounced by the King in his assent to the Petition of Right, were still put in practice; and to them was now added the ever memorable device of *ship-money*, by which, in a time of profound peace and under the fraudulent pretext of chastising pirates and sea-robbers, the King by his writ required each county in the Kingdom, inland as well as maritime, to furnish a certain number of ships of

war, completely armed, manned and provisioned, or in default thereof, to pay into the treasury a certain sum of money to be assessed upon the inhabitants according to their goods and estates. The pecuniary requisition, to fill the coffers of the King, was plainly the substance and meaning of the whole of this elaborately contrived process, and whether considered in reference to its principle or the arbitrary machinery for the assessment and collection of the tax, was the most formidable attack that had yet been made upon those fundamental rights of property, which it is one of the chief objects of civil society to guard and protect.

A period of seven years had now elapsed since the dissolution of the last Parliament. Hampden had remained in retirement upon his estate in Buckinghamshire, contemplating, with an afflicted spirit, the mournful progress of tyranny and oppression, and seeking in the wise lessons of the past, (for history seems to have been his favourite study,) and pondering, in his own bosom, some hope of remedy for the wrongs of his country. With a firm religious trust in the ways of Providence to man, he never despaired; and accustomed (to use his own language) "to take his resolutions from counsel with the Highest Wisdom,"* he anxiously watched for some occasion when, by seasonable and judicious action, he might become an instrument to rally the drooping spirits of the nation. He seems to have entertained the same feeling in regard to himself, that he so beautifully expressed, respecting a son of his friend Sir John Eliot, in a letter addressed by him to that illustrious and persecuted pa-

* Letter to Sir John Eliot dated 11th May 1631.

triot, not long before this time. "God," he says, "who only knows the periods of life and opportunities to come, hath designed him, I hope, for his own service betime, and stirred up your providence to husband him so early for great affairs."

Hampden, thus husbanding himself for a great and proper occasion to interpose, and if need be, offer himself a sacrifice for the country, determined, as soon as the gigantic project of ship-money was announced, to resist in his own person this arbitrary and destructive invasion of the public liberty. He well knew the hazards of the attempt. Without the prospect of countenance or support from a Parliament, for Charles had shewn an inflexible purpose to have no more Parliaments, and with the bloody terrors of the Star-Chamber full in his view, he exposed himself calmly and resolutely, for the public cause, to the worst vengeance of a lawless and irritated court. The share of the general assessment demanded of him, on account of one of his estates in Buckinghamshire, was but twenty shillings. But "the payment of half twenty shillings, *on the principle it was demanded,*" as was so strikingly said by one of the greatest orators and statesmen of England,* near a century and a half after, on the occasion of our own spirited resistance as colonies to the three-pence tea-duty, "*would have made Hampden a slave.*" This he knew and felt; and to avert the doom of slavery from his country, he determined to set the example of a firm and virtuous resistance. The example of such a man could not fail to have many followers. But he alone was the selected

* Edmund Burke.

and "shining mark" against which the whole power and influence of the King and his ministers were now directed. Process was ordered to bring him before the King's Court of Exchequer to answer for his refusal. The vast importance of the issue to the country caused the case to be adjourned into the Exchequer Chamber for the solemn deliberation and decision of all the twelve Judges. It was argued with the highest ability and by the most distinguished counsel on both sides, from time to time, for the space of six weeks, and the Judges were employed through three successive terms, embracing a period of six months, in preparing and delivering one after another their several opinions.

During this long protracted trial, the feelings of the whole kingdom were held in anxious and painful suspense. All eyes were turned upon Hampden, who stood forth, with modest and serene firmness, the Representative, in his own person, of a nation's liberties and rights. And never did a man better act his part under circumstances so trying and difficult. From the moment he entered upon this unequal and momentous contest, Lord Clarendon tells us, and it must be recollected, that I am citing the words of one who was a decided enemy, "he grew the argument of all tongues, every man enquiring who and what he was that durst, at his own charge, support the liberty and property of the kingdom, and rescue his country, as he thought, from being made a prey to the court." I cannot refrain from adding the testimony which the same celebrated writer, against the well known bias of his feelings, is compelled to render to the conduct

of Hampden, in this great scene of his eventful life. "His carriage throughout this agitation," says Clarendon, "was with that rare temper and modesty that they who watched him narrowly to find some advantage against his person, to make him less resolute in his cause, were compelled to give him a just testimony. And the judgment that was given against him, infinitely more advanced him than the service for which it was given."

The judgment of the court, as there was too much reason to apprehend, was rendered against Hampden, but not without division. Four of the Judges dissented from their brethren, and had the fortitude to pronounce opinions in defence of the great principles of British freedom. For this cheering exhibition of judicial independence, so rare in that age, the obligation was due in part, we are informed by a contemporary historian,* to the pure and virtuous influence of that sex, which God, in his gracious providence, has given to be the guardian angels of men—their pride and joy in prosperity, their solace in trouble, their best counsellors in perplexity and trial. Sir George Croke, one of the dissenting Judges, fearing the displeasure of the King and its probable consequences in the ruin of himself and his family, wavered in following the convictions of his judgment. Lady Croke, perceiving his hesitation and the cause of it, inspired him with fortitude and courage by assuring him that "she would be content to suffer want or any misery with him, rather than be the occasion for him to do or say any thing against his judgment and con-

* Whitelocke.

science.” Strengthened by the noble magnanimity of his wife, he remained true to himself and his country. In the expressive language, so happily used by another,* “she threw the shield of her feminine virtue over his failing courage, and defended by it, he stood firm.”

Though the judgment of the court was against Hampden, the effect of the trial, of the division of the court, of the powerful and able arguments, both by Hampden’s counsel and the dissenting Judges, in support of the fundamental franchises and liberties of the people, and still more, the arbitrary and extravagant grounds on which the legality of ship-money was attempted to be defended by the King’s counsel and some of the Judges—“a logic,” says Clarendon, “which left no man any thing that he might call his own”—the effect of all these attendant circumstances was to rouse and re-animate, with new vigour, the spirit of liberty in the nation. Men of high character in every part of the kingdom, and some of them men distinguished by the moderation of their principles, but alarmed at the slavish doctrines inculcated by a majority of the Judges, now followed the example of Hampden, and refused the payment of ship-money, in defiance of the judgment of the court. The sheriffs charged with the collection of the tax, in several instances, admitted the excuses put forward by their counties for declining a compliance with the King’s requisition; and in one remarkable and most honourable instance, the grand-jury of the county of North-

* Lord Nugent, at the dedication of Hampden’s monument in Chalgrove Field.

ampton made a formal presentment of ship-money as a grievance and offence against the fundamental laws of the land. Such were the high moral effects, upon the public spirit, of the noble stand made by Hampden, though the judgment of the court was rendered against him.

An extraordinary error has prevailed, and been handed down from one historian to another till it had passed into almost universal belief, that Hampden about this time had made up his mind to abandon in despair his native country and the great struggle for liberty in which he was engaged. The statement which has been thus accredited by Hume and a host of historical writers of the highest name, is, that there were eight ships lying in the Thames, ready to sail with a large number of passengers to America, when they were suddenly arrested by an order in council prohibiting their departure, and that in these vessels were actually embarked John Hampden, Sir Arthur Hazelrig, Pym, and Oliver Cromwell. Each historian, in relating the circumstance, has made upon it some ingenious and pregnant reflections, according to the particular bent of his humour and opinions. It was reserved for the industry and sagacity of a distinguished female writer of our own day, who has given to the world several volumes of most interesting and instructive memoirs of those times,* to shew, by a careful investigation of *original* documents, that the circumstance itself is imaginary, and that the order in council, which momentarily detained these vessels, was revoked almost as soon as it was made; so that

* Miss Aikin.

Hampden, and those mentioned as his companions, if they had really embarked on board to leave their country and come to America, had nothing to prevent them from the execution of their purpose. That Hampden had, at a previous period, together with some of the bravest and noblest patriots of England looked to America as an ultimate asylum for themselves and the cause of liberty, if their native land should be enslaved, and had at one time even acquired a proprietary interest in American soil, there is abundant and indisputable testimony. But he had now engaged in a direct and personal contest with arbitrary power for the liberties of the country, in which the eyes and the hopes of the nation were centred upon him as their *Pater patriæ* (so expressly called by Clarendon); and in the spirit of his chosen motto, *vestigia nulla retrorsum*, he never could have thought of retreat from such a position, till the contest had closed in final and irremediable overthrow.*

* Precise *dates* become important in their relation to the story of Hampden's embarkation and intended departure for America, which strange to say, is acquiesced in and repeated by Lord Nugent, the biographer of Hampden, as well as by the great historical critics, Hallam and Macauley. It is first necessary to fix the date of the proceedings in the ship-money case, and of the judgment against Hampden; and on this point, the most unsatisfactory confusion has prevailed. By most of the historical writers of England, the judgment against Hampden is referred to the year 1637. To reduce the matter to absolute certainty, and disentangle it from the contradictory and delusive statements, due in part to the old mode of computing the year, (which was not changed in England till 24 George II. that is in 1751,) I have had recourse to the *Record* itself, as given in the State Trials. From that it appears that the original writ directed to the sheriff of Buckingham for levying ship-money, bore date the 4th of August 1635. Sir Richard Hutton, one of the judges, in delivering his opinion in the Exchequer Chamber, says it was *a year and a half* after the assessment under this writ and Hamp-

How much the spirits of the nation had been lifted up and re-invigorated by Hampden's resistance to ship-money, we have just seen. Events were now in progress in the sister kingdom of Scotland, which were destined to exert a most important influence upon the struggle for liberty in England. The odious and despotic attempt in which Charles was engaged by the counsels of Laud to force the Liturgy and forms of the English Church upon the people of Scotland, roused a feeling of enthusiastic opposition in that Kingdom, which broke out in open insurrection, and finally terminated in a mutual appeal to

den's refusal to pay, that a *certiorari* was issued to the sheriff of Buckingham, requiring him to certify into the Court of Chancery the return of Hampden's default. Accordingly, the writ of *certiorari* set forth in the Record, bears date the 9th of March 1637. Upon the return of the *certiorari*, the Court of Chancery by a writ of *mittimus*, bearing date the 5th of May 1637, sent the original ship-money writ with the proceedings upon it and the *certiorari*, into the Court of Exchequer, by which, on the 22nd of May 1637, a *scire facias* was issued against Hampden, requiring him to shew cause why he should not be held to pay his assessment of the tax. The case was then adjourned into the Exchequer Chamber for the consideration of all the twelve Judges. It was argued before them from time to time, during the months of November and December 1637. The Judges at Hilary, Easter and Trinity Terms, in the following year, severally and successively delivered their opinions; and on the 12th day of June 1638, final judgment was rendered in the Court of Exchequer against Hampden. As the order in council which prohibited the sailing of the eight vessels in the Thames was dated the 1st of May 1638, (see Rushworth's Collections,) the effect of the story referred to in the text is to impute to Hampden the purpose of abandoning his country and retreating from the great contest in which he was engaged on behalf of the liberties of the nation, while the legal controversy to which he was a party was still pending and undetermined, and six weeks, as appears from the above comparison of dates, before the final decision of the Court was pronounced in the case—a hypothesis to which the whole tenor of Hampden's life and character stands in contradiction.

arms. The advance corps of Charles's army having made a disgraceful retreat, and his coffers being wholly unfurnished with the means of an effective prosecution of the war, he was compelled to conclude a truce with his revolted subjects, and recur again, after an intermission of eleven years, and with a repugnance which he hardly attempted to disguise, to the hated expedient of another convention of Parliament. The champions of liberty in England had long looked forward to this event (which they hoped the necessities of the King would sooner or later impose upon him), as affording the only means of constitutional redress for the many and crying grievances under which the nation groaned. All felt the deep importance of the crisis, and men of the highest reputation for wisdom, firmness and patriotism were returned to the Parliament. Hampden and his friend Arthur Goodwin, were elected knights of the shire for the great county of Buckingham. He was then, by universal consent, the most popular man in England, and he was placed by the House upon every committee of interest—"nothing," as we are told by his noble biographer,* "being too minute for his indefatigable industry, nothing too great for his capacity and courage." Pym, who was ten years his senior and had had a longer experience in Parliament and cultivated more the habit of public speaking, was the leader of the patriotic party on the floor—a post for which he possessed the high qualifications of a bold and nervous eloquence, a keen and quick sagacity, a resolute and vigorous spirit—and upon him now devolved the

* Lord Nugent.

duty of opening the deliberations of Parliament; which he did in an elaborate speech on the *grievances* of the nation, distinguished alike by its power, its dignity and its wisdom.

But the redress of national grievances was not the object for which Charles had called the Parliament together. He wanted supplies, and he continued to press his demands most importunately upon the Commons. At length he sent a message to the House proposing if they would grant him twelve subsidies without delay, he would relinquish his right to levy ship-money. The suggestion of a pecuniary bargain for the relinquishment of an odious and illegal claim of power, no less than the extravagance of the amount required by the King, startled the Commons. An animated debate took place on the King's message, which not promising the termination he wished, he determined at once, with that spirit of infatuation and violence, which so strangely characterized his councils, to dissolve the Parliament, before it had been three weeks in session; and the dissolution, as usual, was followed by a wanton violation of the privileges of Parliament in the arrest and imprisonment of members and the seizure of their papers. The Kingdom stood indignant and amazed at the Royal arrogance and madness. This was the fourth Parliament which Charles had assembled, and the fourth which he had abruptly and violently dissolved. In the language of an eloquent and renowned English statesman,* writing of these events, "the vessel was now full, and this last drop made the waters of bitterness overflow."

* Bolingbroke.

Charles again put himself at the head of an army, recruited by such means as his illegal exactions or the contributions of his courtiers supplied, to subdue his rebel subjects in Scotland. Again defeat and disaster met him at every step. His troops were driven back by the rapid and victorious onset of the Scots, and panic and disaffection took possession of his whole army. Paralyzed at the same time by the total exhaustion of his coffers, difficulties and embarrassments beset him on every hand; and the loud and united voice of the nation concurring with the stern exigency of his affairs, he was reduced to the humiliating necessity of calling another Parliament, within less than half a year from the dissolution of the last, and of submitting to their arbitrament the quarrel between him and his Scottish subjects, together with all those great questions of public liberty which had been so long in contest and which were now rapidly hastening to a final and eventful solution. That solution was to be in the hands of the approaching Parliament, and both parties, the court and the popular leaders, sensible of the magnitude of the issue, exerted all their energies to secure the election of members favourable to their respective pretensions.

On the third day of November 1640, was convened the assembly on whose deliberations hung suspended the destinies of British freedom. A greater array of profound capacity, of masterly statesmanship, of resolute and intrepid purpose, of comprehensive and far-reaching sagacity, was never seen comprised in any assembly. Hampden, "the pilot," as Clarendon calls him, "that must steer the vessel through the tempest

and rocks which threatened it," was there, with Pym and Selden and St. John and Hollis and Vane (the younger) to second his vigilance and coöperate in the execution of their common councils. With them were associated the noble and illustrious names of Bedford, of Essex, of Kimbolton, of Northumberland, of Brook and of Say; and in their earlier and more important labours for the reformation of the State, the virtuous and accomplished Falkland, with the gallant and chivalrous Grenvill, stood side by side with them in patriotic fellowship. Such a band of patriots and statesmen was worthy of the great mission to which they were now called of building up from its ruins the citadel of English liberty, and surrounding it with new and lasting defences. They entered upon their task with a wisdom, firmness and energy which shewed they knew their errand, and came with hearts and minds equal to it. After the impeachment and arrest of Strafford and Laud, the bold and reckless counselors and agents of the King in all his invasions of the public liberty and the prime conspirators against the laws and constitution of the country, they proceeded to review in detail the long list of national grievances and oppressions, and to apply to each an appropriate and effectual remedy.

The imposition of ship-money they solemnly declared to be against the laws and statutes of the realm, the right of property and the liberty of the subject, and passed an act of Parliament directing all proceedings in virtue of writs for levying ship-money, and particularly the judgment of the court in the case of Hampden, to be formally *vacated* and *cancelled*.

They put an end to all equivocation respecting the King's claim to levy tonnage and poundage, which had been so long in controversy, by another act declaring in explicit terms that no subsidy, custom, impost or any charge whatsoever shall be imposed or laid on any merchandise, imported or exported by subjects, denizens or aliens, *without common consent in Parliament*. After providing these fundamental barriers for the protection of the people against arbitrary taxation—barriers so effectual that there has never been any attempt since to overleap them in the domestic administration of England—this enlightened and never to be forgotten Parliament proceeded to provide a security (even more necessary and indispensable) for the protection of *personal liberty* against the power of arbitrary imprisonment, which we have seen so frequently and wantonly exercised by the King in this reign and so shamelessly sustained by the decision of his Judges. In an act passed by them for the abolition of the hateful and iniquitous tribunal of the Star-Chamber, it was specially enacted as a sacred principle of English liberty that if any person be committed by the privy council or any of them, or by the *King's special command*, he shall have his writ of *Habeas Corpus*, in the return to which the officer, in whose custody he is, shall certify *the true cause of his commitment*, and the court from whence the writ issued shall, within three days thereafter, determine whether the cause so certified is a legal and sufficient ground to warrant the detention of the prisoner, and discharge or remand him accordingly. So important a safeguard was this for the liberty of the people, that

a statute founded upon it and adding only a few supplemental details respecting its execution, which passed in the reign of Charles II. has been styled by a learned commentator* on the Laws of England, the *bulwark of the Constitution*.

A melancholy and disgraceful experience having shewn what servile tools of tyranny, Judges who held their offices at the pleasure of the King were prone to become, Charles was prevailed upon by the earnest representations of this Parliament to give all the Judges patents *during good behaviour*, instead of patents during pleasure. Thus another great principle, which more than half a century afterwards was incorporated into the *Act of Settlement* as a fundamental security of the public liberty, owes its practical assertion at this early period to the wise and vigilant statesmen who now ruled the parliamentary councils of England. Seeing in the long and frequent disuse of Parliaments during this reign the prolific source of national calamities and oppression as well as a flagrant violation of the vital principle of a free constitution, they provided another security for public liberty, (at that time of the highest importance,) in the act for Triennial Parliaments, by which the Chancellor or keeper of the great seal was required, under heavy penalties, to issue writs for a new Parliament within three years from the termination of the last, and in case of his failure, the Peers were enjoined to do so, and if they failed, then the sheriffs, and in their default, then the electors themselves were authorized to hold elections; and it was farther enacted, that no fu-

* Blackstone.

ture Parliament should be dissolved or adjourned without their own consent, in less than fifty days from the opening of the session. The nation shewed its sense of the value of this acquisition by celebrating its achievement with bonfires and every demonstration of public joy.

By these fundamental acts, with others of a subsidiary character, which were consummated, through a throng of opposing difficulties, within nine months after the opening of this memorable Parliament, the fabric of British liberty rose again in lofty and majestic proportions. With effectual securities provided against arbitrary taxation and for the protection of personal liberty—the redress of private wrongs confided to a Judiciary to be henceforward independent, and the correction of public abuses ensured by frequent and regular conventions of a free Parliament—nothing seemed wanting to the integrity of the ancient and prescriptive rights of English freemen. For the preservation of these invaluable privileges, when they were exposed to their greatest peril, the English people and all who have inherited any portion of their free institutions, must forever stand indebted to the master-spirits who presided over the arduous labours of the first session of the Long Parliament, and to their illustrious predecessors, the brave and wise and noble patriots who had valiantly sustained the same struggle through forty years of incessant conflict. With the irrefutable testimony of history before his eyes, proving beyond controversy that this succession of great men and patriots were the true saviours and restorers of British freedom, and the real authors

of some of the very constitutional provisions he most exalts, is it not marvellous that the learned but courtly Commentator on the Laws of England, whom I have just quoted, should refer "the complete restitution of English liberty," not to the æra of the glorious struggle we have been reviewing, but to the profligate and corrupt times of Charles II.* I am happy to be able to set off against so imposing an authority that of a most accurate, judicious and discriminating writer on the Constitutional History of England,† who, though far from approving the subsequent proceedings of this Parliament, yet declares that its earlier acts "have given it a higher claim to the gratitude of the nation, and effected more for English liberty than any which had gone before or has followed it," and that it is from this "æra of 1640-1, rather than from the Revolution of 1688, or *any other epoch*, we must date the full legal establishment of the liberties of England."

These great measures having been carried, and articles of pacification concluded with the Scots, the Parliament after an uninterrupted session of nine months filled with labours and cares of the most momentous character determined to take a short recess, while the King was making a journey into Scotland to conciliate more effectually the discontented spirits of his native country. The Parliament appointed a committee, consisting of two or three members of each House, to accompany him, for the alleged purpose of seeing the articles of pacification executed

* Commentaries on the Laws of England, last chapter of 4th volume.

† Hallam.

by the Scots, but more probably, from a jealousy of the King's designs, whose route lay through both the English and Scottish armies, which were then disbanding. For this jealousy some foundation had been afforded by the revelation of circumstances, a short time before, which seemed to implicate the King in a plot to bring the army up to London to awe or dissolve the Parliament. Hampden and Sir Philip Stapleton were the members of the committee on the part of the House of Commons, and actually accompanied the King. During the time of the King's visit to Scotland, an insurrection of the Roman Catholic population of Ireland took place, marked by massacres and butcheries of the helpless Protestants more horrible and appalling than any recorded in history. Though there never has been any sufficient evidence that these shocking scenes of carnage were instigated by the King, yet it was known that the insurgents pretended authority, and some of them boasted actual commissions, from him, and it is not to be wondered at, therefore, that suspicions were entertained by many, at that time, that he was not wholly unconnected with those dreadful occurrences.

Other circumstances combined with these to inflame the prevailing distrust of the King's purposes; and when the Parliament re-assembled, a temper of less calmness and sobriety was observed among the members. One of the first proceedings of this session was the presentation by a committee of what has been called the *Grand Remonstrance*, a paper elaborately prepared, containing a vivid and animated summary of all the grievances and misgovernment

which had afflicted the country since the accession of the King, and evidently intended as a signal to the nation that *the danger was not yet over*. About this time, a division of opinion, honest and conscientious on both sides, took place in the patriot party. Some, satisfied with what had been already achieved for the security of public liberty, were willing to trust to the future for preserving what had been gained rather than incur the hazards of civil strife. Others, satisfied also with what had been achieved if it could be maintained, yet believed there was no reasonable prospect of its maintenance, unless they should go farther and disarm the King of his remaining power. This division was now plainly manifested in the question upon the adoption of the Remonstrance, which, after a protracted debate continuing from nine o'clock in the morning to twelve o'clock at night, was carried by a majority of only nine votes, in a House of more than three hundred members.* The extraordinary excitements attending this debate gave occasion for Hampden to display those rare powers of equanimity, self-possessed calmness and commanding influence with which he was endowed, above all the men of his time. Sir Philip Warwick, who was a member of the House and eye-witness of these scenes, says—"We had sheathed our swords in each others' bosoms, had not the sagacity and great calmness of Mr. Hampden prevented it and led us to defer our angry debate until the next morning."

Scarcely had the excitement of this conflict of parties in Parliament subsided, before the King was be-

* Clarendon.

trayed into an act of violence and outrage which kindled a new flame in the Kingdom, and must be considered as the immediate provocation of the unhappy and bloody contest which was now approaching. Having framed an accusation of high treason against Lord Kimbolton of the House of Lords, and Pym, Hampden, Hollis, Sir Arthur Hazelrig and Strode of the House of Commons, upon grounds and allegations of criminality which involved in one common guilt all the members of the patriot party, he sent a serjeant-at-arms to demand of the House the accused members; and upon his return without a positive answer, the King, the next day, proceeded in person to the House, accompanied by a retinue of more than two hundred men, armed with halberts and walking-swords, and leaving them at the door, entered the Hall himself and demanded the five accused members. Not finding them there, he declared his determination to have them at all hazards. Such an unwonted and violent irruption threw the House into confusion, and when he retired from the Hall, the cry of *privilege! privilege!* resounded in his ears. Nor was it there only that the cry was heard. It was re-echoed by the whole Kingdom. London was in violent commotion, and its excited population, a few days afterwards, escorted in triumph to their seats the members, now endeared more than ever to the public affection, in whose persons so bold and wanton a violation of the privileges of Parliament had been attempted. The flame rapidly spread to the country, and, in a few days, *four thousand freeholders* of the county of Buckingham rode up to London in a body, each wearing in his hat

a copy of the *Protestation* for the defence of the power and privileges of Parliament, which had been recommended by the two Houses to be taken by the people, and they presented at the bar of the House of Commons a petition, in which was expressed with equal earnestness their faithful attachment to the person of their Representative, and their zeal for the privileges of Parliament, "in the just defence of which as essential to the very being of Parliaments, they declared themselves resolved to live and die."

This violent and lawless procedure of the King, notwithstanding the apologies and offers of reparation he afterwards made for it, produced a profound and lasting impression upon the public judgment, as well as upon the feelings of Parliament. From that moment, the apprehension became stronger and the conviction more general that there was no solid security for the public liberty, while the power of the sword remained in the hands of the King. The Parliament proceeded, without delay, to perfect the measure which had been for some time under consideration for placing the militia of the several counties under the command of Commissioners to be named by themselves, in the Bill which should be passed for the purpose, instead of (as heretofore) Lords Lieutenants appointed by and holding their offices at the pleasure of the King. The measure was an innovation upon the principles of the British Constitution as hitherto understood, but was believed to be justified by the necessities of the times and the imminent dangers of the public liberty. The unhappy progression of events now making it every day more and more evident that the

long struggle between the King and the Representatives of the people, was at last to be determined by the sword, each party was unwilling to relinquish the possession of that potent instrument to the other. Charles persisted in refusing his assent to the Bill which was presented to him for the new organization of the militia, and the two Houses finally enacted it as an *Ordinance*, in despite of the Royal negative. The Parliament subsequently submitted to the King nineteen propositions (including the militia ordinance) as the basis of a peaceable settlement, but they were hardly expected to lead to any satisfactory result, as both parties still stood inflexible upon the issues already joined. The King shortly afterwards erected his standard at Nottingham, and the fearful appeal was made to the God of Battles.

Hampden now devoted all the deep and mighty energies of his mind and character to the service of his country in the field, as he had hitherto done in Parliament and upon the other scenes of the great civil controversy through which the nation had passed. He was a sincere lover of the blessings of peace and liberty conjoined; but they were now to be sought through the rude encounter of hostile arms. From the moment the conflict began, his object was to bring it to the speediest close by bold, prompt, vigorous and decisive action. He was convinced that no terms of peace, consistent with the safety of the national freedom, were now to be had until a strong impression had been made upon the King and his advisers by some signal advantage in arms. To the attainment of an early, safe and durable accommodation, by this

now only effectual road, as he believed, every effort of his mind and body was henceforward earnestly and incessantly directed. Contributing largely of his pecuniary means to the support of the Parliamentary cause, he, at the same time, put himself at the head of a Regiment of infantry, which he raised among his gallant and devoted countymen of Buckinghamshire, and which was the first in the field to answer the call of the country. He passed rapidly from point to point to animate and organise the energies of the nation; and wherever an advantage was to be gained by promptitude and vigor, which might hasten that consummation to which he steadily looked, of an early and solid re-establishment of the peace and liberties of the Kingdom, he was the first to perceive and the bravest to pursue it. In contemplating his career at this time, we are seized with wonder that a man who had known nothing of war, who had been bred in "the modest stillness and humility" of peace, who "never set a squadron in the field," should, all at once, when the new exigencies of his country's service required such qualities, start up into a consummate general and exhibit the highest talents for military command.

The Earl of Essex had been placed in chief command of the Parliamentary army. He had served with reputation in the wars of Germany and Holland, and his military experience concurred with his high birth to recommend him for the post to which he was appointed. He was a technical soldier and a brave man. But his system of operations was wholly unsuited to the intestine war in which the nation was

now plunged. He was dilatory in his movements, hesitating and undetermined in his plans, and seemed, as has been said, to avoid a victory full as much as a defeat. Hampden early saw these errors of the commanding general, and did whatever he could, consistent with the duty of military subordination, from which he never departed, to remedy and repair them. Wherever he held an independent command and had the opportunity of acting upon his own counsels, celerity, decision, never-ceasing activity, combined with the clearest judgment and the quickest intuition, marked his operations, and in almost every instance crowned them with brilliant success. This continued exhibition of rare military virtues and talents, contrasted with the faults and blunders of Essex, drew the eyes of the army, the Parliament and the nation more and more upon Hampden, as the destined leader under whom their banner was to be borne in triumph. He was, in many quarters, already impatiently designated for the supreme command, and the hopes and affections of all were centred in his person, when one of those mysterious providences, which so often disappoint the fondest calculations of man, closed his career. In an encounter with the troops of Prince Rupert, whom his gallantry and sleepless vigilance for the protection of the country engaged him in an attempt to check with an unequal force, till the army of Essex should come to his support, he received a wound which, a few days afterwards, terminated in his death.

Thus fell the great and virtuous champion of British freedom, in the fiftieth year of his age and just ten months after the rearing of the King's standard at

Nottingham—the signal of the bloody and unhappy civil war in which his country was involved. That country to which his whole life had been devoted was still uppermost in his thoughts and prayers, to the moment of his expiring struggle. “O Lord! save my bleeding country,” was the last audible invocation addressed to Heaven by his parting breath.

The death of Hampden, we are told by Clarendon, brought as great a consternation to the popular party, as if their whole army had been cut off. And well might it produce that effect, for no man now remained, who possessed that rare union of seemingly irreconcilable virtues, or who enjoyed that universal confidence in the integrity of his aims, which was necessary to conduct the contest in which they were engaged, to a safe and happy issue. His great rival and enemy, whom I have just quoted, with every disposition to malign his motives and principles of action is yet compelled to say, “his reputation of honesty was universal, and his affections seemed so publicly guided that no corrupt or private ends could bias them.” But we are enabled to add even higher testimony—that of the pious, learned and eloquent Baxter, who also lived in these troubled times and was a profound observer of the conduct and character of those who were then actors upon the mighty scene of the public convulsions. That great Divine, such was the elevated and acknowledged purity of Hampden’s character, confidently assigned him a place in the celestial society of his *Saint’s Rest*. Speaking of him, he says, “Mr. John Hampden was one that friends and enemies acknowledged to be most eminent for prudence, piety

and peaceable counsels, having the most universal praise of any gentleman that I remember of that age." He adds, "I remember a moderate, prudent, aged gentleman, far from him but acquainted with him, whom I have heard saying that if he might choose what person he would then be in the world, he would be John Hampden."

A man endowed with so many and such lofty virtues and the object of universal confidence, if his life had been spared to guide the further progress of the great intestine conflict in which the nation was engaged, would have been the *Washington* of his country. In the presence of his sublime and heroic patriotism, the guilty ambition of Cromwell would have stood palsied and rebuked. Under the powerful ascendant of his high moral influence, the jarring and discordant factions which arose in the bosom of the popular party would have been harmonized and composed, and their divided energies been made to coalesce for the advancement of the one great and only cause of civil and religious freedom. Placed as he would have been at the head of the army, virtue like his never could have been tempted to turn against the liberty of his country the sword he had been entrusted with for its defence. His moderation and wisdom would have taught his countrymen the most difficult and the most important of all lessons for free states—to know when and where to pause, and to guard liberty from the danger of those excesses by which the best things may become the worst—a lesson, the ignorance or disregard of which cost England, after the death of Hampden, long added years of bloody civil

war, the iron rule of military usurpation, and finally a vindictive and profligate Restoration which brought back, for a season, some of the worst abuses which had been condemned and discarded by the voice and the arm of the nation.

But the cause of virtuous liberty had now taken root in the hearts of the people, and it was never more to be eradicated, however overborne by adverse circumstances for a time. The noble struggles of Hampden and his illustrious associates had endeared it to the public affection and forever fixed its principles in the public mind.

In tracing the progress of this great contest, I have abstained from any special reference to the ecclesiastical controversies of the times. Hume and other writers of the same school have sedulously laboured to prove that these controversies formed the real ground of conflict in the struggle of contending parties, and that "the grievances which tended chiefly to inflame the Parliament and the nation were the surplice, the rails placed about the altar, the bows exacted on approaching it" and other ceremonies of religious worship.* I have thought there could be no better mode of refuting this narrow and prejudiced representation of a noble contest for the great fundamental principles of civil and religious freedom, than laying out of view for the moment these ecclesiastical disputes, to shew what ample cause was still left in the numerous and daring invasions of public liberty, for all the resistance that was offered by the patriots of that day to the encroachments of arbitrary power.

* History of England, chap. 54.

The persecuting and ambitious spirit of Bancroft, of Laud, and their instruments, furnished but too abundant cause to rouse a deep feeling of dissatisfaction in regard to the conduct of religious concerns in the kingdom. All who were thus aggrieved naturally rallied to the support of public liberty—the standard first raised in defence of the constitutional franchises of the people and the just privileges of Parliament, but which extended its protecting folds alike over the inalienable rights of person, property and conscience.

Such was the true character of the struggle for English liberty, of which Hampden became the master spirit, and which, while it remained under his guidance, stood without just reproach in the eyes of the world. Its principles are of all time, and applicable to every people, who cherish the cause of constitutional freedom. The liberty which Hampden and the great men who coöperated with him sought to establish for their country, was not a liberty unregulated by law and rioting in freedom from restraint. In the only reported speech of his now extant, made towards the close of his life and upon an occasion most deeply interesting to his character and feelings, he makes a scrupulous observance of “the ancient and fundamental *laws of the land*,” the touchstone of civic duty and political trust. We have already seen, in a memorable occurrence of his life, what sacred reverence he professed for Magna Carta as the *law of the land* and the obligatory rule of his conduct.

No where in the records of eloquence or philosophy is to be found a nobler conception, more nobly expressed, of the majesty and transcendent functions of

Law, as the rightful mistress of human conduct, than in the great speech of Pym, on closing the impeachment of the Earl of Strafford.

“If you take away the Law,” he says, “all things will fall into a confusion. Every man will become a law to himself, which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law, covetousness and ambition will become laws; and what dictates and decisions such laws will produce, may easily be discovered in the late government of Ireland.”

He proceeds then to speak of law as “the boundary and measure” between prerogative on the one side and liberty on the other, and points out the equal danger, in departing from it on either hand, “that prerogative will be turned into tyranny or liberty grow into anarchy.” But the whole speech is worthy to be studied as a rich repository of profound reflections and maxims, applied to the practical administration of affairs.

It was from this school of political wisdom that the great men, who laid the foundations of our own fabric of free government, drew their instruction in the principles of liberty. This was the pure and copious fountain at which they all drank. It is impossible to read any of those noble state-papers put forth in defence of American rights at the æra of our glorious contest for independence—papers which by their dignity, firmness and wisdom, Lord Chatham declared placed the young people of America and their Legislative Bodies on a level with the Master-States of the

world—without perceiving how deeply they were imbued with the spirit and principles which animated Hampden and his colleagues in their great struggle for British freedom.

But there are other considerations which equally recommend the history of that ever-memorable period to our careful meditation and study. The age of Hampden was the age of private, as well as public virtue. We are told by a writer, distinguished for his searching and philosophical investigations of the past that it was “an age more eminent for steady and scrupulous conscientiousness in private life than any, perhaps, that has gone before, or has followed.”* Under the control of this high tone of national morals, the part which the middle and more numerous classes of society acted, in the busy and troubled drama of the times, was the result of sober and honest conviction—not the suggestion of heedless impulse, of passion, or of personal interest.

The age of Hampden, too, was an age of extraordinary intellectual development and of the general spread of knowledge. Never before had the national literature shone forth with such sudden and amazing splendor. Bacon, Raleigh, Milton, lighted it up with the blaze of their immortal genius. The English language itself, employed now as the instrument of grand Parliamentary debates and of appeals to the nation on the mightiest questions which can agitate the minds of men, became instinct with the new spirit of liberty, and throwing off the pedantry and jargon of the schools, exhibited a flexibility, compass

* Hallam's Const. Hist. ch. 9.—Also, Hume's Hist. England, ch. 55.

and force which it had never before discovered. The general improvement of the popular mind kept pace with the advance of Literature and Science ; and the great body of the Commons of England were trained to the comprehension and enlightened decision of the momentous issues then for the first time submitted to their arbitrament. The wise men and patriots of that day knew and felt the vital connection between popular liberty and popular intelligence, and the hazards which must ever attend their unnatural separation.

Let us not be unmindful of their wise instruction. Let us be profoundly thankful that by the virtuous struggles of our glorious ancestors we are now in the peaceful enjoyment of the blessings of free government, without having to seek them, as they did, through the bloody scenes of civil strife. War, whether foreign or domestic, or for whatever cause undertaken, is the saddest ordeal through which human nature can pass, and but rarely repays in its results, (however successful) the havoc, calamities and crimes which mark its dreary footsteps. A gracious Providence has set before us a happier and a nobler destiny. "Peace hath her victories, no less renowned than war." To these lofty and enduring triumphs let us address ourselves, treasuring up in our hearts the lesson so impressively taught by the inspired genius whose words I have just cited, himself a Republican, who had traversed the scenes of the mighty conflict for British freedom, and who had learned, by fearful experience, to distinguish true liberty from false. In the degeneracy of that great conflict, when the principles which Hampden had impressed upon it were

lost sight of, the sublime poet and republican patriot of England* wrote these lines of pregnant admonition :

License they mean when they cry liberty ;
For who loves that must first be wise and good.

Let us cherish this great lesson. Let us ever remember that a people, to be truly free, must first be *wise* and *good*, and that License is not Liberty ; and let the “renowned victory of Peace” we all seek to achieve for our country be the blended triumph of Virtue, Knowledge, Liberty and Law.

* Milton.